Index

Accounting,
valuation of shares and, 62–69
Agency,
apparent authority,
basis of, 360–363
third party protection, and, 360 *et seq*
Air Transport, 422–429
Air accidents,
E.C. regulation, 422–429

Banking, 575–585
depositor,
meaning of, 575–577
fiduciary,
bank, as, 577–578
garnishee orders, 581–582
negligent advice,
dishonoured cheques, and, 583–585
restitution,
interest rate swaps, and, 581
tracing, 578–580
Book Reviews, 102–105, 215–216, 315–320, 430
Business Property, 264–268
repair covenant,
notice of defect, and, 264–268

Commercial Sales, 398–408, 503–506
Bills of lading,
detinue,
bailees liability, 373 *et seq*
Misrepresentation,
damages in lieu of rescission,
Pepper v. Hart, and, 503–506
Sale & Supply of Goods Act 1994, 398–408
examination and acceptance, 405–408
partial rejection, 408
satisfactory quality, 398–403
slight breach, 403–405
Vienna Convention,
electronic data interchange,
evidential problems, and, 21 *et seq*
Companies, 585–590
book debts,
security over,
fixed charges, and, 433 *et seq*

Companies—*cont.*
book debts—*cont.*
security over—*cont.*
floating charges, and, 433 *et seq*
judicial definitions of, 436–437
set off analysis, 465–469
constitution,
re-writing of, 588–590
corporate governance,
Aufsichtsrat, (Germany),
appointment and dismissal of supervisory board members, 521–523
constitution, 518–521
organisation, 523–524
overview of, 517 *et seq*
powers and duties, 524–529
code of best practice,
compliance statements, 326–338
compliance with, 321 *et seq*
management incentives, and, 338–342
market regulation, and, 322–326
franchise,
termination of franchise of indefinite duration, 472–484
insolvent trading,
developments in, 282 *et seq*
securities, 86–92, 409–414
derivatives and takeovers, 409–411
mandatory bids, 411–413
take over documents,
excessive statements, in, 86–92
shareholders' agreements,
supremacy of, 585–588
shares,
valuation of, 56 *et seq*
accounting implications, 62–69
unsecured debts,
subordination of, 485 *et seq*
outstanding problems, 494–501
recent developments, 486–494
Competition, 506–516
deregulation of public monopolies under Article 90 E.C.,
exemption from liability under Article 90(2), 512–514
liability of the state, 510–512
liability under Article 90(1), 508–510

Competition—*cont.*
deregulation of public monopolies under Article 90 E.C.—*cont.*
Milk Marketing Board privatisation, 506–516
Consumer Sales & Consumer Credit, 268–278
credit reference agencies,
data protection, and, 343 *et seq*
duty of disclosure, 348–350
unfair terms legislation, and, 350–355
product safety,
general regulations, 268–278
sale of goods,
motor vehicles,
wrongful dispositions, 36 *et seq*
unfair terms,
credit reference agencies, and, 350–355
E.C. Directive,
enforcement, 259–263
scope, 244–252
unanswered questions, 243 *et seq*
unfairness, 252–259
Contract,
Undue influence,
economic duress, and, 565–574
surety transactions, and, 552 *et seq*
Correspondence, 311–314

Environmental Law, 93–101
strict liability,
nuisance, and, 93–101
Rylands v. Fletcher, and, 93–101
European Business Law, 308–311, 517–531, 627–637
choice of law clauses,
German regulation, 308–311
corporate governance,
German *Aufsichtsrat*,
overview of, 517 *et seq*
merger control,
E.C. Task force,
work of, 627–637
Evidence,
hearsay,
EDI, and, 29–34

Financial Services, 590–596
self regulation,
judicial control of, 590–596

Insolvency, 596–608
contracts of employment,
adoption of by receivers, 596–602
Insolvency Act 1994, 602–604
voluntary arrangements,
entitlement to vote, 606–608

Insurance, 608–617
duty of disclosure,
inducement,
meaning of, 612–613
materiality,
meaning of, 609–612
marine insurance,
barratry, 614–615
perils of the sea, 613–614
scuttling of vessels, and, 613–617
Intellectual Property, 279–281, 414–422, 617–626
copyright,
breach of,
additional damages, for, 625–626
cover versions,
original arrangements contrasted, 617–624
decryption program, and, 279–281
secondary infringement, 624–625
passing off,
goodwill,
international reputation compared, 70 *et seq*
restraint of trade,
E.C. Treaty, art. 85, and, 414–422

Mortgages,
debtor's home,
creditor's remedies against, 384 *et seq*

National Laws
Australia,
insolvent trading,
developments in, 282 *et seq*
Canada,
fiduciary obligations in, 638 *et seq*
pursuit of principle, 644–647
New Zealand,
franchise agreements, termination, 472–484
insolvent trading,
developments in, 282 *et seq*
South Africa,
insolvent trading,
developments in, 282 *et seq*

Procedure,
seisin,
Brussels Convention, and, 217 *et seq*

Statutory Instruments
companies, 328
financial services, 591
insolvency, 606

Statutory Instruments—*cont.*
merchant shipping, 49
misleading advertisements, 259
product safety, 268–278
road vehicles, 41
unfair contract terms, 243–263, 351, 352

Tort,
negligence,
auditors' liability, in, 1 *et seq*

Tort—*cont.*
negligence—*cont.*
damages,
no transaction assessment, 534–536, 540–542
valuers liability, 533 *et seq*
contributory negligence, and, 536–538
mitigation, and, 536–538